



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable O. J. S. Ellington
General Manager
Texas Prison System
Huntsville, Texas

Dear Sir:

Opinion No. 0-1791
Re: Exchange of prison land for
privately owned land

This will acknowledge receipt of your letter of December 15, 1939, requesting an opinion of this Department as to whether or not the Prison Board could sell a strip of land off of the Darrington Bobb's farm or exchange said strip for some privately owned land without first getting the approval of the Legislature.

You stated that the occasion for this request was that the prison property and fence was so close to an adjoining property owner's house that he desired to purchase a strip off of the Prison farm or exchange some of his own property for that located nearest his residence.

It is the opinion of this Department that such a sale or transfer is not authorized by statute. See Title 106, Revised Civil Statutes of 1925 as amended. It will therefore be necessary to get the Legislature to authorize this sale or exchange in order for the Prison Board to handle same.

Honorable O. J. S. Ellingson, Page 2

Trusting that this sufficiently answers your request, we are

Very truly yours

ATTORNEY GENERAL OF TEXAS

By

Durward D. Mahon

Durward D. Mahon
Assistant

DDM:BBB

APPROVED JAN 16, 1940

Gerald B. Mann

ATTORNEY GENERAL OF TEXAS

OK Mx

